

# SENATE JOURNAL

*Fifty-sixth Legislature—Regular Session*

---

AUSTIN, TEXAS, TUESDAY, JANUARY 13, 1959

---

## PROCEEDINGS

### FIRST DAY

(Tuesday, January 13, 1959)

In accordance with the Constitution and Laws of the State of Texas, the Senate of the Fifty-sixth Legislature met in the Senate Chamber of the State Capitol on Tuesday, the thirteenth day of January, 1959, at 12 o'clock noon.

The Honorable Ben Ramsey, Lieutenant-Governor and President of the Senate, called the Senate to order.

On invitation of the President the Reverend Lloyd W. Nixon, Pastor of the Presbyterian Church of El Campo, Texas, delivered the invocation.

### Temporary Officers

The President announced the appointment of the following temporary officers of the Senate:

Secretary: Charles Schnabel.  
Sergeant-at-Arms: John Dorman.  
Journal Clerk: Minnie Meier.  
Calendar Clerk: Martha Turner.  
Doorkeeper: Charles Jones.

### Roll Call of Senators

The President directed the Secretary of the Senate to call the roll of Senators who were Members of the Fifty-fifth Legislature and who continue in office as Members of the Fifty-sixth Legislature.

The roll was called and the following Senators answered to their names:

Hon. Floyd Bradshaw, representing the Twenty-second Senatorial District composed of Callahan, Clay, Denton, Eastland, Jack, Montague, Palo Pinto, Parker, Stephens, and Wise counties.

Hon. Neveille H. Colson, representing the Fifth Senatorial District com-

posed of Grimes, Houston, Leon, Liberty, Madison, Montgomery, Polk, San Jacinto, Trinity, and Walker counties.

Hon. William S. Fly, representing the Eighteenth Senatorial District composed of Aransas, Bee, Calhoun, DeWitt, Goliad, Jackson, Karnes, Live Oak, McMullen, Refugio, San Patricio, and Victoria counties.

Hon. Henry B. Gonzalez, representing the Twenty-sixth Senatorial District composed of Bexar County.

Hon. Grady Hazlewood, representing the Thirty-first Senatorial District composed of Carson, Dallam, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman and Wheeler counties.

Hon. Charles Herring, representing the Fourteenth Senatorial District composed of Bastrop, Travis, and Williamson counties.

Hon. Hubert Hudson, representing the Twenty-seventh Senatorial District composed of Cameron and Hidalgo counties.

Hon. Abraham Kazen, Jr., representing the Twenty-first Senatorial District composed of Brooks, Dimmit, Duval, Jim Hogg, Jim Wells, La Salle, Maverick, Starr, Webb, and Zapata counties.

Hon. Culp Krueger, representing the Fifteenth Senatorial District composed of Austin, Colorado, Fayette, Lavaca, Lee, Waller, and Wharton counties.

Hon. George Moffett, representing the Twenty-third Senatorial District composed of Archer, Baylor, Cottle, Foard, Haskell, Hardeman, King, Knox, Throckmorton, Wichita, Wilbarger, and Young counties.

Hon. Frank Owen III, representing the Twenty-ninth Senatorial District composed of Culberson, Ector, El Paso, Hudspeth, Loving, Midland, Reeves, Ward, and Winkler counties.

Hon. Bruce Reagan, representing the Twentieth Senatorial District composed of Kenedy, Kleberg, Nueces, and Willacy counties.

Hon. Jarrard Secrest, representing the Thirteenth Senatorial District composed of Bell, McLennan, and Milam counties.

Hon. Preston Smith, representing the Twenty-eighth Senatorial District composed of Andrews, Cochran, Crosby, Dawson, Gaines, Hockley, Lubbock, Lynn, Martin, Terry, and Yoakum counties.

Hon. Doyle Willis, representing the Tenth Senatorial District composed of Tarrant County.

Hon. Bill Wood, representing the Seventh Senatorial District composed of Camp, Henderson, Kaufman, Smith, Upshur, Van Zandt, and Wood counties.

#### Roll Call of Senators-Elect

The President directed the Secretary of the Senate to call the roll of the Senators-elect. The credentials of election had previously been received from the Secretary of State.

The roll was called and the following Senators-elect answered to their names:

Hon. A. M. Aikin, Jr., to represent the First Senatorial District, composed of Bowie, Cass, Delta, Franklin, Hopkins, Lamar, Marion, Morris, Red River, and Titus counties.

Hon. Robert W. Baker, to represent the Sixth Senatorial District, composed of Harris County.

Hon. Louis Crump, to represent the Sixteenth Senatorial District, composed of Bandera, Brown, Burnet, Concho, Gillespie, Kimble, Kerr, Kinney, Lampasas, Llano, Mason, McCulloch, Menard, Mills, Real, San Saba, Uvalde, and Zavala counties.

Hon. Martin Dies, Jr., to represent the Third Senatorial District, composed of Angelina, Cherokee, Hardin,

Jasper, Nacogdoches, Newton, Sabine, San Augustine, and Tyler counties.

Hon. Jep S. Fuller, to represent the Fourth Senatorial District, composed of Jefferson and Orange counties.

Hon. Dorsey B. Hardeman, to represent the Twenty-fifth Senatorial District, composed of Brewster, Coleman, Coke, Crane, Crockett, Edwards, Glasscock, Irion, Jeff Davis, Pecos, Presidio, Reagan, Runnels, Schleicher, Sterling, Sutton, Terrell, Tom Green, Upton, and Val Verde counties.

Hon. Wardlow Lane, to represent the Second Senatorial District, composed of Gregg, Harrison, Panola, Rusk, and Shelby counties.

Hon. Crawford C. Martin, to represent the Twelfth Senatorial District, composed of Bosque, Comanche, Coryell, Ellis, Erath, Hamilton, Hill, Hood, Johnson, and Somervell counties.

Hon. William T. Moore, to represent the Eleventh Senatorial District, composed of Anderson, Brazos, Burleson, Falls, Freestone, Limestone, Navarro, Robertson, and Washington counties.

Hon. George Parkhouse, to represent the Eighth Senatorial District, composed of Dallas County.

Hon. Jimmy Phillips, to represent the Seventeenth Senatorial District, composed of Brazoria, Chambers, Fort Bend, Galveston, and Matagorda counties.

Hon. David W. Ratliff, to represent the Twenty-fourth Senatorial District, composed of Borden, Dickens, Fisher, Garza, Howard, Jones, Kent, Mitchell, Nolan, Scurry, Shackelford, Stonewall, and Taylor counties.

Hon. Ray Roberts, to represent the Ninth Senatorial District, composed of Collin, Cooke, Fannin, Grayson, Hunt, Rains, and Rockwall counties.

Hon. Andy Rogers, to represent the Thirtieth Senatorial District, composed of Armstrong, Bailey, Briscoe, Castro, Childress, Collingsworth, Deaf Smith, Donley, Floyd, Hale, Hall, Lamb, Motley, Parmer, and Swisher counties.

Hon. R. A. Weinert, to represent

the Nineteenth Senatorial District, composed of Atascosa, Blanco, Caldwell, Comal, Frio, Gonzales, Guadalupe, Hays, Kendall, Medina, and Wilson counties.

#### Oath of Office Administered to Senators-Elect

The President requested all Senators-elect to advance to the Bar of the Senate and he then administered the Constitutional Oath of Office to all the Senators-elect.

#### Senate Resolution 1 (Caucus Report)

Senator Weinert offered the following resolution:

Austin, Texas,  
January 13, 1959.

Hon. Ben Ramsey, Lieutenant Governor, Senate of Texas, Austin, Texas.

Sir:

At a caucus held in the office of the Senate attended by 31 members of the Senate, the following recommendations were made, to-wit:

The following officers were elected to serve for the 56th Legislature, and at the salaries set opposite their names:

Secretary of the Senate, Charles Schnabel, \$500.00 per month.

Two Assistant Secretaries of the Senate, which shall be appointed by the Secretary of the Senate, \$14.00 per day.

Journal Clerk, Mrs. Minnie Meier, \$15.00 per day.

Sergeant-at-Arms, for the duration of the Regular Session, John Dorman, \$16.50 per day.

Doorkeeper, Charlie Jones, \$13.00.

Chaplain, Rev. W. H. Townsend, \$11.00.

Calendar Clerk, Mrs. Martha Turner, \$14.00.

Engrossing and Enrolling Clerk, Miss Essie McGinnis, \$19.00.

Postmistress, Mrs. Vance Stockton, \$14.00.

Mailing Clerk, Mrs. John Draper, \$14.00.

Parliamentarian, named by the Lieutenant Governor, Wm. P. Hobby, Jr., \$16.50.

It is recommended that the Lieutenant Governor and the Secretary of the Senate each be permitted to name one secretary, the secretary of the Lieutenant Governor to receive \$16.00 per day and the secretary of the Secretary of the Senate to receive \$14.00 per day. The salaries of other employees of the Senate may be supplemented at the discretion of the Contingent Expense Committee. All officers and employees elected by this caucus shall hold their office or employment for the duration of the Regular Session of the 56th Legislature.

It is further recommended that each Senator shall be permitted to employ a secretary and other office help at a maximum payroll of \$38.00 per day for each such Senator's secretary and employees with the maximum pay of \$14.00 per day for any such secretary or other office employee. The names of such employees shall be referred to an assignment committee hereinafter provided for and such committee shall be authorized to select employees from such list. Salaries of other employees, unless otherwise fixed by the Senator, shall be \$12.00 per day.

It is further recommended that the Lieutenant Governor be authorized to name a committee of five, such committee shall be designated as an Assignment Committee for the purpose of assigning employees as herein authorized and the committee be authorized to select sufficient additional employees to be assigned by it when and where needed.

It is further recommended that the employees and the porters who were selected to prepare the Senate Chamber in advance of the meeting be allowed pay for their services.

It is further recommended that the several appointments of employees heretofore made by the Lieutenant Governor and announced in the Senate and considered by the caucus are confirmed.

The salaries of the day and night elevator operators shall be \$8.00 per day each, and the salaries of the porters shall be \$7.00 per day each, except the head porter whose salary shall be \$12.00 per day and the porter

carrying the mail shall receive \$7.00 per day, and the salaries of the pages shall be \$5.00 per day, and the salaries of the messengers shall be \$6.50 per day.

The Lieutenant Governor is requested to recommend that the Southwestern Bell Telephone Company employ Miss Mary Jacobs to attend the duties of the telephone operator of the Senate, and a night operator be named by the assignment committee, out of the employees whose names are filed with said committee.

The Lieutenant Governor, Senators and the Secretary of the Senate are hereby fully authorized and empowered to use any assistant Sergeant-at-Arms and all other necessary employees for any and all services needed in and about the Senate.

It is further recommended that no employee of the Senate, shall, during the time he or she is employed, furnish to any person, firm or corporation any information other than general information furnished the public pertaining to the Senate, and they shall not receive any compensation from any person, firm or corporation during their employment by the Senate, and any employee found guilty of violating this provision shall be immediately discharged.

All employees, except those responsible directly to the Lieutenant Governor, members of the Senate, Secretary of the Senate, committee, or to the head of a department, shall report for duty at 8 o'clock a.m., and 1 o'clock p.m., each day to the Sergeant-at-Arms of the Senate, except part-time employees, who shall report at the place and time directed by the Sergeant-at-Arms, and none of such employees shall be paid for the days they are absent from the Senate, unless excused by the Sergeant-at-Arms.

It is further recommended that the Lieutenant Governor, each Senator and the Secretary of the Senate, be allowed the stationery and postage needed by them, respectively, and expenses incurred in transmitting and receiving telephone and telegraph messages and express charges as may be actually necessary in the discharge of their official duties, said expenses to be paid out of the contingent fund.

It is further recommended that 1700 journals be printed, all of which

shall be prorated among the Senators and Lieutenant Governor, except that 175 journals shall be furnished the members of the House.

It is further recommended that the State Library be furnished 75 copies of the daily journal.

It is further recommended that the Senate request the State Comptroller of Public Accounts, to issue general revenue warrants for pay of the members and employees of the Senate upon presentation of the payroll account signed by the Presiding Officer and the Secretary of the Senate.

It is further recommended that each Senator, the Lieutenant Governor, the Secretary of the Senate, and Librarian be permitted to subscribe for four newspapers to be paid for out of the contingent fund.

The elected officers of the Senate may select, subject to the approval of the Contingent Expense Committee, employees to fill such key positions as may be authorized by said committee.

It is further recommended that the President of the Senate has exclusive appointment of a sufficient number of custodians, messengers, pages, elevator operators, porters and other employees as in his judgment may be necessary.

It is further recommended that the Chairman of the Finance Committee shall have authority to employ such additional employees of his own selection as may be needed by said committee, said employees to receive the same compensation paid similar positions as herein fixed, who shall discharge the duties of the Finance Committee.

It is further recommended that the private rooms allotted to the Senators by the method as adopted by the caucus be assigned to Senators and their successors unless otherwise directed by the Senate.

It is further recommended that each Senator, as quickly as possible, file with the Secretary of the Senate the name of his private secretary selected; that he also file with the Chairman of the Assignment Committee aforesaid the names of the employees selected, together with his or her post office address.

Be it further resolved, that no em-

ployee of the Senate except those whose official duties require them to work upon the floor of the Senate, shall have access to the floor unless that employee shall have been requested by a Senator, the Lieutenant Governor, or the Secretary of the Senate to come on the floor for some official duty, which, when performed, he will immediately leave the floor of the Senate. The Sergeant-at-Arms is specifically ordered to see that this provision is carried out.

Only those who have the privileges of the floor during the sessions of the Senate shall be permitted on the Senate floor for a period of thirty minutes prior to the time the Senate convenes. The Sergeant-at-Arms is instructed to enforce this rule and to permit only those having the privileges of the floor to enter or remain on the Senate floor during such thirty minute period.

Respectfully submitted,  
R. A. WEINERT,  
Chairman of the Caucus.

On motion of Senator Aikin and by unanimous consent the reading of the resolution was dispensed with and the resolution was unanimously adopted.

#### Election of President Pro Tempore

The President announced the election of the President Pro Tempore for the Regular Session of the Fifty-sixth Legislature as the next order of business.

Senator Moffett nominated the Honorable George Parkhouse of Dallas County to be President Pro Tempore.

Senators Aikin, Fuller and Fly seconded the nomination of Senator Parkhouse for President Pro Tempore for the Regular Session of the Fifty-sixth Legislature.

Senators Aikin, Secrest and Herring were appointed as tellers to take up and cast the ballots.

The ballots were taken up and counted and the result was announced as follows:

Senator Parkhouse received 30 votes with 1 present not voting.

The President declared that the Honorable George Parkhouse had been duly elected President Pro Tem-

pore of the Senate for the Regular Session of the Fifty-sixth Legislature and Senators Moffett, Fuller and Hazlewood were appointed to escort Senator Parkhouse and Mrs. Parkhouse to the President's rostrum.

Senator Parkhouse was then administered the Constitutional Oath of Office as President Pro Tempore for the Regular Session of the Fifty-sixth Legislature by the President.

The President presented Senator Hazlewood and he presented Senator Parkhouse to the Senate.

Senator Parkhouse addressed the Senate expressing appreciation for the honor bestowed upon him and promised full cooperation to the Members of the Senate.

Senator Parkhouse then presented Mrs. Parkhouse to the Senate.

#### Senate Resolution 2

Senator Weinert offered the following resolution:

Resolved, That the permanent rules of the Senate of the 55th Legislature as adopted by the Senate on January 8, 1957, and as published in the Manual of the 55th Legislature, be adopted as the permanent rules of the Senate of the 56th Legislature.

The resolution was read and was adopted by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

#### Motion in Writing

Senator Aikin submitted the following Motion in Writing:

January 13, 1959

Mr. President:

I move that the President appoint

a committee of five Members to notify the House that the Senate is organized and ready for business.

AIKIN

The motion was read and was adopted.

#### Motion in Writing

Senator Aikin submitted the following Motion in Writing:

January 13, 1959

Mr. President:

I move that the President appoint a committee of five Members to notify the Governor that the Senate is organized and ready for business.

AIKIN

The motion was read and was adopted.

#### Senate Concurrent Resolution 1

Senator Aikin offered the following resolution:

S. C. R. No. 1, Providing Joint Session to canvass votes for Governor and Lieutenant Governor and Committee to make plans for the inauguration of the Governor and the Lieutenant Governor.

Be it Resolved by the Senate of the State of Texas, the House of Representatives concurring, That a joint committee composed of five members of the Senate and five members of the House shall be appointed by the Lieutenant Governor and Speaker, respectively, to arrange for the canvass of the votes cast for Governor and Lieutenant Governor at the general election held on the first Tuesday in November, 1958, and that a joint session of the Senate and House be held in the Hall of the House of Representatives on Monday, January 19, 1959, for the purpose of counting said votes and receiving the report, and hearing the declaration of the results of the canvass.

Be it further Resolved, That a joint committee composed of five members of the Senate and five members of the House of Representatives also be appointed by the presiding officers of the respective houses to arrange for the inauguration of the Governor-elect and Lieutenant Governor-elect as determined by the canvass of the votes.

The resolution was read.

On motion of Senator Aikin and by

unanimous consent the resolution was considered immediately and was adopted.

#### Committee to Notify the House

The President announced the appointment of the following as a committee to notify the House that the Senate is duly organized and ready for the transaction of business:

Senators Baker, Crump, Herring, Bradshaw and Colson.

#### Committee to Notify the Governor

The President announced the appointment of the following as a committee to notify the Governor that the Senate is duly organized and ready for the transaction of business:

Senators Roberts, Moore, Wood, Rogers and Ratliff.

#### Custodian of Senate

The President announced the appointment by the chairman of the Assignment Committee of Mrs. W. W. Pruitt as Custodian of the Senate Chamber.

#### Governor Notified

The committee to notify the Governor that the Senate is organized and ready to transact business appeared at the Bar of the Senate, and Senator Roberts for the committee, notified the President and the Senate that the committee had performed the duty assigned it.

#### House Notified

The committee to notify the House that the Senate is organized and ready to transact business, appeared at the Bar of the Senate, and Senator Baker, for the committee, notified the President and the Senate that the committee had performed the duty assigned it.

#### Oath of Office Administered to Officers

The President directed the officers of the Senate named in the Caucus Report to proceed to the Bar of the Senate. The President then administered the Constitutional Oath of Office to the officers.

#### Senate Concurrent Resolution 2

Senator Owen offered the following resolution:

S. C. R. No. 2, Providing for Sine Die Adjournment.

Be it resolved by the Senate of the State of Texas, the House of Representatives concurring, that the Fifty-sixth Session of the Texas Legislature do adjourn sine die at 6 o'clock p.m., Tuesday, May 12, 1959.

OWEN  
KAZEN  
HERRING  
MOORE  
WOOD  
HUDSON  
REAGAN  
WEINERT  
BRADSHAW  
GONZALEZ  
PARKHOUSE  
FULLER  
SMITH  
SECREST  
HAZLEWOOD  
ROBERTS  
KRUEGER  
RATLIFF  
ROGERS  
WILLIS  
HARDEMAN

The resolution was read.

On motion of Senator Owen and by unanimous consent the resolution was considered immediately and was adopted.

**Committee to Canvass Votes for Governor and Lieutenant Governor**

The President announced the appointment of the following pursuant to the provisions of S. C. R. No. 1 to canvass votes for the Governor and the Lieutenant Governor.

Senators Moffett, Chairman, Secrest, Ratliff, Martin and Krueger.

**Committee to Arrange for Inauguration of the Governor and the Lieutenant Governor**

The President announced the appointment of the following pursuant to the provisions of S. C. R. No. 1 to arrange for the inauguration of the Governor and the Lieutenant Governor:

Senators Herring, Chairman, Martin, Hudson, Colson and Roberts.

**Senate Resolution 3**

Senator Hardeman offered the following resolution:

Whereas, recent efforts to amend Rule XXII of the United States Senate have directed attention upon the Southland and, particularly, the Lone Star State; and

Whereas, The leadership of the Senior Senator from Texas, the Majority Leader of the United States Senate, never shone more brilliantly than in his successful preservation of virtually all of the provisions guaranteeing the representatives of the Sovereign States of our Union full and free discussion of matters coming before the Senate of the United States; and

Whereas, He was ably and loyally supported by the Junior Senator from Texas and other distinguished members of the United States Senate; now, therefore, be it

Resolved by the Senate of the State of Texas that its congratulations be, and they are hereby, extended to Honorable Lyndon B. Johnson, United States Senator from Texas, and to his able colleague, Honorable Ralph Yarborough and the distinguished members of the United States Senate whose loyal and patriotic support contributed to the great cause of free discussion; be it further

Resolved, That copies of this Resolution be forwarded to Senators Johnson and Yarborough under the Seal of the Senate of Texas.

HARDEMAN  
HERRING

The resolution was read and was adopted.

**Co-Author of Senate Resolution 3**

On motion of Senator Hardeman and by unanimous consent Senator Herring will be shown as co-author of S. R. No. 3.

**Senate Resolution 4**

Senator Herring offered the following resolution:

Whereas, The General Investigating Committee of the Senate was created by the 55th Legislature, under the authority of Senate Resolution No. 347; and

Whereas, Said Committee was directed to make certain investigations and to report back to the 56th Legislature; and

Whereas, Said Committee has completed its hearings and investigations on January 8, 1959, and has not had

sufficient time in which to complete the comprehensive report for the 56th Legislature; now, therefore, be it

Resolved, By the Senate of the State of Texas, that the authority of the Committee be extended until February 10, 1959, for the limited purpose of completing and filing its reports and making its recommendations to the 56th Legislature.

HERRING  
HAZLEWOOD

KRUEGER  
OWEN  
SECREST

The resolution was read and was adopted.

**Adjournment**

On motion of Senator Hardeman the Senate at 12:45 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.



**In Memory of**  
**Judge James Spitler Graham**

---

Senator Hudson offered the following resolution:

(Senate Resolution 5)

Whereas, On October 12 Cameron County and the State of Texas lost a most distinguished citizen and Judge in the death of the Honorable James Spitler Graham of Brownsville; and

Whereas, Judge Graham was a native of Fort Worth, having descended from a prominent family of Lawyers; and

Whereas, Judge Graham moved to Brownsville in 1912, he was graduated from Brownsville High School and the University of Texas Law School. He served in France with the AEF in World War I; he entered the practice of law with his father, the late James A. Graham, in Brownsville in 1925. He had served as District Judge in Brownsville since 1939 until the time of his death. His worth to his state and his community is borne out by the following editorial from his home town paper:

"James S. Graham, for nearly 20 years Judge of the 103rd Judicial District, has died in a San Antonio hospital after a mercifully short illness.

The passing of Judge Graham will have an impact on the community beyond the ordinary. This quiet man, without presumption, acted as the presiding elder of the district court benches. It was Judge Graham who often briefed the nettlesome points of law for his fellow-jurists. It was Judge Graham who virtually taught many of his colleagues how to think and act like judges.

Judge Graham's record is one which all jurists might well envy. Lawyers of every persuasion agreed that Judge Graham was a man in whom you could place implicit faith.

The replacement of this fine judge poses quite a problem—a problem in politics and a problem in morals. It is up to Governor Daniel to name a successor to Judge Graham. Many factions already have sought the governor's ear by various routes.

It should be remarked that whoever succeeds Judge Graham will have a large order to fill. It will be a measure of the man appointed and the man who appoints him as well."

Whereas, Judge Graham is survived by his wife, Mrs. Mamie White Graham; four sons, James S. Graham, Jr., Marshall W. Graham, Franklin A. Graham, and R. Malcolm Graham; two brothers, F. T. Graham and Robert Graham; grandsons, James S. Graham III, Marshall Graham, Jr. and Andrew Graham; granddaughters, Lezlee Graham and Marinell Graham; a sister, Mrs. Charles Hedrick; his mother, Mrs. James A. Graham; four nieces and eight nephews; now, therefore, be it

Resolved, That the Texas Senate of the Fifty-sixth Legislature, in its Regular Session, adjourns this day in memory of Judge James Spitler Graham; that a page in the Senate Journal be set aside in respect of him; and that a copy of this resolution be sent to the members of his family with our deepest sympathy.

The resolution was read and was adopted by a rising vote of the Senate.